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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,388	11/12/2003	Jeffrey A. Swaim	CFS.004CPI	9608
20995	7590	05/31/2006		
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
			EXAMINER LUONG, SHIAN TINH NHAN	
			ART UNIT 3728	PAPER NUMBER

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C

Office Action Summary

Application No.

10/712,388

Applicant(s)

SWAIM ET AL.

Examiner

Shian T. Luong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-14, 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/5/03, 11/12/03</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Newly amended claims 7-12 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The method of using an apparatus for storing an entertainment device and attachment to a seat of a vehicle.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7-12 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,5-9,11,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Trummer (US 6,354,477). Trummer discloses an apparatus comprising a platform having a generally triangular cross section as shown in Figures 10-14. The apparatus has a front portion 512 and a rear portion 712 meeting at an upper apex. A panel 1410 connects the the front portion to the rear portion opposite the upper apex. The front and rear portion configured to form a container in a closed configuration and is sized to transport devices. Straps 510 secure the electronic device to the front portion. At least two other straps 202,310,304,3061902,1904

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are formed on the apparatus and allow a user to secure the apparatus to a person or a vehicle portion.

4. Claims 13,16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kelly et al. (Des. 380,612). Kelly et al discloses a case comprising a first panel (the flap portion), a second panel connected to the first panel at a flexible connection. A third panel is connected to the second panel at a second flexible connection where the two panels are hinged to one another. A zipper with two sets of engaging teeth, one set at the second panel and the other set on the third panel. A first strap is the interior foam divider and cushioning piece as shown in Figure 7.

The first panel is also connected to the second panel with connectors. This is the corresponding connector on the first panel and the second panel where the first panel (the flap) is releasably attached to the second panel. In the event the case is not attached by hook and loop material, it would have been obvious to so as notoriously known in the art to secure one element to another.

In addition, in the event that the connections are not flexible, it is well known in the art to make the connection flexible to allow the case to rotate to a desired angle for retrieval of the article.

Claim Rejections - 35 USC § 103

5. Claims 1-3,5-6,17-19 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Trummer in view of Chen (US 5,960,952). Trummer discloses an apparatus comprising a platform having a generally triangular cross section as shown in Figures 10-14. The apparatus

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has a front portion 512 and a rear portion 712 meeting at an upper apex. A panel 1410 connects the the front portion to the rear portion opposite the upper apex. The front and rear portion configured to form a container in a closed configuration and is sized to transport devices. Straps 510 secure the electronic device to the front portion. At least two other straps 202,310,304,3061902,1904 are formed on the apparatus and allow a user to secure the apparatus to a person or a vehicle portion.

Trummer does not show a retaining member with a variable length. However, Chen shows a protective case for a computer with a lid and a base. The base has a strap 32 or a strap 36 to removably secure the computer within the compartment. Each strap has a first end affixed to a first side of the front portion and a second end affixed to a second side of the front portion. The strap portions removably attached to each other by Velcro. It would have been obvious to provide the removable strap to the front portion of Trummer to further secure the computer within the front panel. In addition, the strap is adjustable to secure notebooks of different sizes

6. Claim 4 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 1, further in view of Hillsberg et al. (US 5,996,749).

Trummer does not show a bump covered by a rubber material as recited in claim 4. However, Hillsberg et al. teaches a container for electronic equipment such as a computer with bumps 18,20 on the interior surface of the third panel. The bumps are covered by rubber material 24 to secure hold and protect the computer. The rubber material can also be considered a bump itself. It would have been obvious in view of Hillsberg to provide cushioning structure with a rubber material cover to securely hold the computer device of Trummer.

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7. Claims 13,16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. in view of Trummer or Eskandry (US D441,190). Kelly et al discloses a case comprising a first panel (the flap portion), a second panel connected to the first panel at a flexible connection. A third panel is connected to the second panel at a second flexible connection where the two panels are hinged to one another. A zipper with two sets of engaging teeth, one set at the second panel and the other set on the third panel. A first strap is the interior foam divider and cushioning piece as shown in Figure 7.

The first panel is also connected to the second panel with connectors. This is the corresponding connector on the first panel and the second panel where the first panel (the flap) is releasably attached to the second panel. In the event the case is not attached by hook and loop material, it would have been obvious to so as notoriously known in the art to secure one element to another.

In addition, in the event that the connections are not flexible, it is well known in the art to make the connection flexible to allow the case to rotate to a desired angle for retrieval of the article.

Kelly et al. does not show two strap portion as required in claim 13. But providing one or two straps on a computer laptop bag is conventionally known in the art. For example, Trummer shows two straps 304 while Eskandry shows two straps on a laptop bag as shown in Figure 5. Hence, it would have been obvious to provide two straps instead one strap to divide the load.

Applicant argues that Kelly 's strap in the interior surface is not a strap. However, a strap is defined as a strip of material. Therefore, the material shown in Figure 7 is considered as a strap.

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8. Claim 14 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Hillsberg et al. (US 5,996,749). Kelly et al. does not show a bump covered by a rubber material as recited in claim 14. However, Hillsberg et al. teaches a container for electronic equipment such as a computer with bumps 18,20 on the interior surface of the third panel. The bumps are covered by rubber material 24 to secure hold and protect the computer. The rubber material can also be considered a bump itself. It would have been obvious in view of Hillsberg to provide cushioning structure with a rubber material cover to securely hold the computer device of Kelly et al.

9. Claim 16 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Shyr (US 5,967,270). Although it appears Kelly et al. teaches the hooks and loops connection for the first and second panels, Shyr is cited to show an example of the Velcro connection 42.

10. Claims 13,16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. in view of Chen and Trummer or Eskandry (US D441,190). Kelly et al discloses a case comprising a first panel (the flap portion), a second panel connected to the first panel at a flexible connection. A third panel is connected to the second panel at a second flexible connection where the two panels are hinged to one another. A zipper with two sets of engaging teeth, one set at the second panel and the other set on the third panel.

The first panel is also connected to the second panel with connectors. This is the corresponding connector on the first panel and the second panel where the first panel (the flap) is releasably attached to the second panel. In the event the case is not attached by hook and loop

material, it would have been obvious to so as notoriously known in the art to secure one element to another.

In addition, in the event that the connections are not flexible, it is well known in the art to make the connection flexible to allow the case to rotate to a desired angle for retrieval of the article.

Kelly et al. does not show two strap portion as required in claim 13. But providing one or two straps on a computer laptop bag is conventionally known in the art. For example, Trummer shows two straps 304 while Eskandry shows two straps on a laptop bag as shown in Figure 5. Hence, it would have been obvious to provide two straps instead one strap to divide the load.

As a matter of securement, Chen suggests providing a strap within the interior compartment to stabilize the computer notebook. It would have been obvious to provide the strap portions to removably secure the computer within the bag.

11. Claim 14 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Hillsberg et al. (US 5,996,749). Kelly et al. does not show a bump covered by a rubber material as recited in claim 14. However, Hillsberg et al. teaches a container for electronic equipment such as a computer with bumps 18,20 on the interior surface of the third panel. The bumps are covered by rubber material 24 to secure hold and protect the computer. The rubber material can also be considered a bump itself. It would have been obvious in view of Hillsberg to provide cushioning structure with a rubber material cover to securely hold the computer device of Kelly et al.

12. Claim 16 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Shyr (US 5,967,270).

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Although it appears Kelly et al. teaches the hooks and loops connection for the first and second panels, Shyr is cited to show an example of the Velcro connection 42.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.

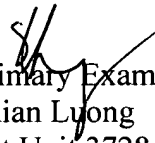
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If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

For applicant's convenience, the official FAX number is 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST. The examiner's supervisor Mickey Yu can be reached at (571) 272-4562 for urgent matters.

STL
May 24, 2006


Primary Examiner
Shian Luong
Art Unit 3728